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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,841	07/08/2003	Joseph S. Wewel		9167
31083	7590	06/02/2004		
THOMTE, MAZOUR & NIEBERGALL, L.L.C. 2120 S. 72ND STREET, SUITE 1111 OMAHA, NE 68124				
			EXAMINER CHIU, RALEIGH W	
			ART UNIT 3711	PAPER NUMBER

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,841

Applicant(s)

WEWEL ET AL.

Examiner

Raleigh Chiu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>09/08/2003</u> . | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Drawings

1. The drawings are objected to because there are no lead lines for reference numerals 42 (Figure 2) and 78 (Figure 3). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "98" (Figure 3) has been used to designate both a pneumatic coupler and pneumatic line. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line 5, it is not clear if there should be additional text after "and extending" or if the phrase should be deleted.

Claim Rejections - 35 USC §§ 102 and 103

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 4,122,451 (Senoh).

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Regarding claims 1 and 16, Figures 1 and 2 of Senoh show an elongated net support 10, a tensioning screw 130, an screw rotating means 80 and tensioning nut 90.

8. Claims 2-8, 11, 12 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Senoh as applied above in view of U.S. Patent Number 5,242,174 (Koole).

Regarding claims 2, 3, 17 and 18, although Figure 1 of Senoh shows an elongated housing 30 disposed beneath a playing surface, he does not show it telescopically receiving net support 10. However, it would have been obvious to one of ordinary skill in the art to provide a telescopically-receiving housing and lower support beneath the playing surface to accommodate the net support in view of Koole to hide the net supports such the playing field can be used for other purposes as well. See Koole at column 1, lines 15-22.

Regarding claims 4-6 and 8, Figure 2 of Koole shows lock mechanism 61 which corresponds to the recited lock lug and base assembly. Also, see column 6, lines 19-28.

Regarding claims 7, 11 and 19, handle 63 corresponds to the recited lock engaging means or lever or positioning means.

Regarding claims 12 and 21, Figure 1 of Koole shows lower net portion attachment means 67.

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9. Claims 9, 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Senoh and Koole as applied above in view of U.S. Patent Number 3,645,370 (Prodwell et al., hereinafter Prodwell).

Regarding claims 9, 10 and 20, it would have been obvious to one of ordinary skill in the art to substitute an automated or powered lifting means for the manual means of Senoh as modified above since it has generally been recognized that the use of a conventional lifting means to automate a previously manual operation involves only routine skill in the art.

Further, Prodwell shows that using hydraulic controls to raise and lower telescoping section of a tennis post assembly is old and well-known in the art.

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Senoh and Koole as applied above in view of U.S. Patent Number 4,732,395 (Halverson).

Figure 3 of Halverson shows that keyholes are also well-known in the net support art for attaching a net to a vertical standard. Because hooks and keyholes were art-recognized equivalents at the time of the invention in those net support applications where it is immaterial how the net is attached to the support, one of ordinary skill would have found it obvious to substitute a keyhole for a hook.

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11. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Senoh and Koole as applied above in view of U.S. Patent Number 4,844,477 (Pardi).

Pardi, at column 3, lines 48 et seq. notes that ratcheting mechanisms are old and well-known in the art as tensioning devices. It would have been obvious to one of ordinary skill in the art to include a ratcheting mechanism to the lower net portion of the Senoh net as modified above in view of Pardi to provide a fail-safe means of applying tension to a net. Also, see Figure 5 and column 6, lines 1-26 of Pardi.

12. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Senoh and Koole as applied above in view of U.S. Patent Number 3,195,898 (Respini).

It would have been obvious to one of ordinary skill in the art to dispose the Senoh net supports as modified above at an angle from the perpendicular in view of Respini who shows in Figure 1 that such a construction would prevent unwanted sagging caused from the resultant tensioning of the net. Also, see Respini at column 3, lines 3-10.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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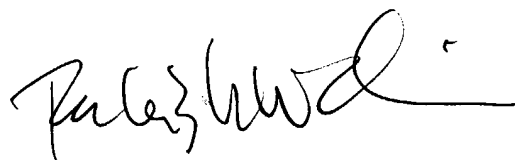
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raleigh Chiu whose telephone number is (703) 308-2247. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich, can be reached on (703) 308-1513.

The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Raleigh W. Chiu
Primary Examiner
Technology Center 3700

RWC:dei:feif
27 May 2004